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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,981	06/24/2003	Charles E. Miller	WEYE120656/22193	3856

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WEYERHAEUSER COMPANY
INTELLECTUAL PROPERTY DEPT., CH 1J27
P.O. BOX 9777
FEDERAL WAY, WA 98063

EXAMINER	
ANDERSON, CATHARINE L	

ART UNIT	PAPER NUMBER
3761	

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/603,981	MILLER ET AL	
	Examiner	Art Unit	
	C. Lynne Anderson	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25 and 27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25 and 27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-25 and 27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 6-9, 14-15, and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klun et al. (6,762,339) in view of Chen et al. (6,261,679).

Klun discloses all aspects of the claimed invention with the exception of the blood absorbent enhancing agent being present in a first amount adjacent the first surface and a second amount adjacent the second surface. Klun discloses an absorbent structure 10, as shown in figure 1, comprising a first web 11 having a first surface 12 and a second surface 13. The first web 11 comprises fibers, as disclosed in column 7, lines 62-66. A blood enhancing agent is disposed within the first web 11 by coating the first surface, as disclosed in column 26, line 50, to column 27, line 3.

Chen teaches the application of an antimicrobial agent in an absorbent structure, as disclosed in column 2, line 43, to column 3, line 17. The antimicrobial agent is present in the absorbent structure in a gradient, as disclosed in column 15, lines 23-45,

which would result in a first amount of the agent adjacent a first surface of the structure and a second amount of the agent adjacent the second surface of the structure.

It would therefore be obvious to one of ordinary skill in the art at the time of invention to provide the antimicrobial agent in the absorbent structure of Klun in a gradient, as taught by Chen, to provide a greater antimicrobial activity to one surface.

With respect to claim 2, the total amount of blood enhancing agent is 1.5% based on the weight of the fibers, as disclosed in column 26, line 52, to column 27, line 1.

With respect to claim 3, the blood enhancing agent is lactic acid, as disclosed in column 7, lines 38-39.

With respect to claim 6, the total amount of blood enhancing agent is 1.5% based on the weight of the fibers, as disclosed in column 26, line 52, to column 27, line 1.

With respect to claims 7 and 8, the web comprises cellulose, as disclosed in column 8, lines 13-16, which functions as a superabsorbent material.

With respect to claim 9, the absorbent structure 10 further comprises a second web 15, as shown in figure 1.

With respect to claim 14, Klun discloses an absorbent structure 10, as shown in figure 1, comprising a first web 15 having a density, and a second web 11 comprising fibers and a blood enhancing agent, as disclosed in column 7, lines 18-39.

With respect to claim 15, the blood enhancing agent is lactic acid, as disclosed in column 7, lines 38-39.

With respect to claims 24 and 25, the second web comprises cellulose, as disclosed in column 8, lines 13-16, which functions as a superabsorbent material.

Claims 4-5 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klun et al. (6,762,339) in view of Chen et al. (6,261,679), and further in view of Terao et al. (6,013,252).

Klun, as modified by Chen, discloses all aspects of the claimed invention with the exception of the blood enhancing agent further comprising sodium lactate.

Terao teaches the application of both lactic acid and sodium lactate to an absorbent structure, as disclosed in column 7, lines 42, 44, and 63-64. The application of these alone or in combination are disclosed in column 7, lines 46-48, as equivalent applications by Terao.

It would therefore be obvious to one of ordinary skill in the art at the time of invention to provide the absorbent structure of Klun with sodium lactate, since its application in combination with lactic acid is taught by Terao as being an equivalent application.

Claims 10-13, 18-23, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klun et al. (6,762,339) in view of Chen et al. (6,261,679), and further in view of Jones et al. (US 2003/0236511 A1).

Klun, as modified by Chen, discloses all aspects of the claimed invention with the exception of the composition and density of web 15. Klun discloses in column 8, lines 40-54, that web 15 is a liquid permeable sheet of non-stick material, but remains silent as to the materials comprising the sheet, or the density of the sheet.

Jones discloses an absorbent structure comprising first and second webs, as described in paragraph [0021]. The webs provide a suitable absorbent structure for a bandage. Since Klun discloses the absorbent structure is a bandage, it would be obvious to one of ordinary skill in the art at the time of invention to construct the web of Kun from the structure taught by Jones to provide a suitable multi-layer absorbent bandage.

With respect to claims 10 and 23, Jones discloses in paragraph [0021] that the web comprises cellulose.

With respect to claim 11, Jones discloses in paragraph [0022] that the web is compressed.

With respect to claim 13, Jones discloses in paragraph [0021] that the web includes superabsorbent.

With respect to claims 18 and 19, Jones discloses on page 5, Example 2, that the web comprises thermoplastic fibers which function to provide wet strength.

With respect to claims 12, 20, 22 and 27, Jones discloses in paragraph [0021] the density of the first web is 0.2 g/cc, and density of the second web is between 0.25 and 0.4 g/cc.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (571) 272-4932. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CWA
cla
May 14, 2006

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER